

3627

PATENT \$

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(MBHB Case No. 99,853)**

In re Application of: )  
Kaminsky et al. )  
Serial No.: 09/475,534 ) Art Unit: 3627  
Filed: December 30, 1999 ) Examiner: Rudy, Andrew J.  
For: Automated Trading Exchange System )  
Having Integrated Quote Risk Monitoring )  
and Integrated Quote Modification Services )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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MAR 30 2004

GROUP 3627

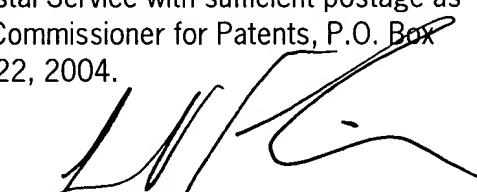
**TRANSMITTAL LETTER**

In regard to the above identified application:

1. We are transmitting herewith the attached:
  - a. Supplemental Information Disclosure Statement;
  - b. Supplemental Form PTO-1449;
  - c. Copy of 1 cited reference;
  - d. Australian Examiner's First Report
  - e. Return Receipt Postcard.
2. With respect to fees:
  - a. Enclosed is a check in the amount of \$180.00 for the Supplemental Information Disclosure Statement Fee.
  - b. Please charge any additional fees or credit overpayment to Deposit Account No. **13-2490**. A duplicate copy of this sheet is enclosed.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 22, 2004.

Date: 3-22-04

By:



Lara V Fleishman  
Reg. No. 54,102



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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the duty of disclosure provided by 35 C.F.R. § 1.56 and §§ 1.97-98, the applicants wish to make the following reference of record in the above-identified application. A copy of the reference is enclosed. A copy is also listed in the PTO-1449 form enclosed herewith. It is requested that the document be given careful consideration and that it be cited of record in the prosecution history of the present application so that it will appear on the face of the patent issuing from the present application.

Portions of the reference may be material to the examination of the pending claims, however no such admission is intended. 37 C.F.R. 1.97 (h). The reference has not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative importance of any portion of the references. This Statement is not a representation that the cited reference has effective dates early enough to be "prior art" within the meaning of 35

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U.S.C. sections 102 or 103, nor is this submission to be construed as a representation that a search has been made.

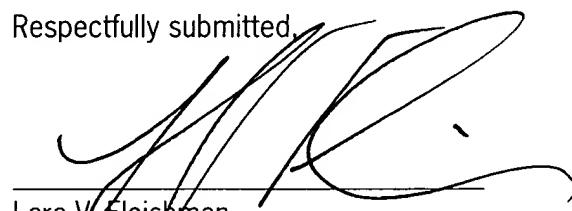
#### CITED REFERENCES

##### U.S. Patent Documents

Document Number	Date	Name	Class	Filing Date If Appropriate
5,101,353	3/31/1992	Lupien et al.		5/31/1989

In addition, pursuant to the duty of disclosure provided by 35 C.F.R. § 1.56 and §§ 1.97-98, the applicants wish to disclose the Australian Examiner's First Report on the application. A copy of the Report is enclosed.

Respectfully submitted,



\_\_\_\_\_  
Lara V. Fleishman  
Reg. No. 54,102

Date: March 22, 2004

By:

FORM PTO-1449 (Rev. 2-32)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. 99,853	Serial No. 09/475,534
<b>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use several sheets if necessary)		<b>Applicant:</b> Ross Kaminski, et al.	
		Filing Date: December 30, 1999	Group: 3627

<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	1.	5,101,353	3/31/1992	Lupien et al.			May 31, 1989

**FOREIGN PATENT DOCUMENTS**

Examiner Initial		Document Number	Date	Country	Class	Subclass	Translation Yes      No

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).**

EXAMINER		DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

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ABN 38 113 072 755

20 November 2002

E F WELLINGTON & CO  
312 St Kilda Road  
MELBOURNE VIC 3006

Your Ref : BA.3454/2

Examiner's first report on patent application no. 22765/01  
by CHICAGO BOARD OPTIONS EXCHANGE

Last proposed amendment no. 1

Dear Madam/Sir,

I am replying to the request for examination. I have based this report on the pamphlet and the statement of proposed amendments under S104 of 3 October 2001. I have examined the application and I believe that there are lawful grounds of objection to the application. These grounds of objection are:

1. The invention defined in claims 1 to 8, 10, 14 to 30 is not novel when compared with the following document which discloses all the essential features of the invention claimed: US 5101353 A(LUPIEN et al) 31 March 1992, Refer to *inter alia* the abstract, column 2 line 60 to column 3 line 14, column 3 line 46 to column 4 line 36.
2. The invention defined in claims 9, and 11 to 13 introduce specific forms of aggregate risk level calculations that I consider are non-inventive to a person skilled in the art (PSA) and that these features are minor workshop variations to the inventive concept well within the realms of the PSA. The problem solved by these claims is to determine the level of risk using a specific risk aggregate analysis that that I consider to be within the knowledge of a non-inventive stock broker with knowledge in statistics and computing.

You have 21 months from the date of this report to overcome all my objection(s) otherwise your application will lapse. You will need to pay a monthly fee for any response you file after 12 months from the date of this report.

Yours faithfully,



ROBERT BARTRAM  
Senior Examiner of Patents, Section C3  
Telephone: (02) 6283 2215